

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CASE NUMBER 1:20CV66**

CARYN DEVINS STRICKLAND,)
)
Plaintiff,)
)
v.)
)
UNITED STATES OF AMERICA, et al.,)
)
Defendants.)

**DEFENDANTS' RESPONSE TO PLAINTIFF'S OBJECTION TO HOLDING TRIAL
IN THE CHARLOTTE DIVISION**

Defendants hereby file this response to Plaintiff's "Notice of Objection to Sua Sponte Transfer of Trial Location to Charlotte Division," ECF No. 280, which was filed on October 2, 2023. Defendants take no position on the location of the trial in this case, and defer to the Court. Defendants understand that the Court is trying to accommodate the limitations on available courtroom space in both the Asheville and Charlotte Divisions. *See* Tr. of Final Pretrial (July 27, 2023) at 24:1-15, ECF No. 262.

Defendants also note that under § 1404(a), "a district court may transfer any civil action to any other district or division where it might have been brought." 28 U.S.C. § 1404(a). Venue is proper in "any judicial district in which (A) a defendant in the action resides, (B) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (C) the plaintiff resides if no real property is involved in the action." 28 U.S.C. § 1391(e)(1). The vast majority of the conduct at issue in this case took place at the Federal Defender's Office for the Western District of North Carolina ("FDO"), which is located in Charlotte. Because "a substantial part of the events or omissions giving rise to the claim occurred" in Charlotte, venue is

proper in the Charlotte Division. *See id.* And a district court may *sua sponte* consider transfer of venue under § 1404(a). *See Feller v. Brock*, 802 F.2d 722, 729 n.7 (4th Cir. 1986).

Dated: October 16, 2023

Respectfully submitted,

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